

SHIPP, A.
Appl. No. 10/500,960
Response to Office Action dated October 10, 2007

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

As suggested in the office action, headings have been added to the specification. An informality on page 4 of the specification has also been corrected.

The claims were objected to because of British spellings. As noted in MPEP Section 608.01, the specification must be in English, but there is no additional requirement that it be “American” English. Consequently, withdrawal of the claim objections is respectfully requested.

Applicants acknowledge with appreciation the indication that claims 5 and 10 contain allowable subject matter. New claim 11 corresponds to claim 5 written in self-standing independent form and is therefore believed to be allowable.

Claims 1-4 and 6-9 were rejected under 35 U.S.C. Section 102(e) as allegedly being “anticipated” by Stolfo et al. (U.S. Publication No. 2003/0167402). While not acquiescing in this rejection or in the characterization of Stolfo et al. in the office action, independent claims 1 and 6 have been amended. The discussion below makes reference to the amended claims.

Claim 1 recites:

b) examining the executable attachment and comparing the executable attachment with the extracted structural elements [previously defined as being extracted from the email] to determine whether the executable attachment contains code, data or encoded data that could have created the extracted structural elements

Claim 1 further recites that the attachment is signaled as being possibly viral or not on the basis of the extent to which the examining step b) finds evidence that the structural elements have been created by that attachment. Claim 6 recites similar features.

These features find support in the specification at, for example, page 1, lines 27-30 and page 2, line 31 to page 3, line 5 which describe by way of example and without limitation that a comparison of the executable attachment with the extracted structural elements of the email (referred to in the specification as the “fingerprint” of the email) is indicative of whether the attachment is a mass mailing virus. It should be noted that this is effectively an internal comparison of different parts of a single email, e.g., of the attachment with structural elements of the email. Using such an internal comparison to identify a mass mailing virus is not described or suggested in the applied prior art document.

Stolfo et al. relates to a system for detecting emails which contain viruses or otherwise violate an email security policy. Stolfo et al. teaches the use of models to classify groups of emails transmitted through the system. Statistics are gathered relating to the transmission of selected emails. A variety of different statistics are used, including the number of addresses to which an attachment (uniquely identified by a hash) is transmitted; the number of emails sent from a specific account; statistics relating to the email addresses of recipients; and others. The statistics for transmitted emails are then used to classify emails as violating the security policy or not by comparison of the statistics with the model.

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Thus, Stolfo et al. discloses comparison of the statistics of plural emails with an external model. Stolfo et al. does not involve the idea of claims 1 and 6 of examining the executable attachment in comparison with the structural elements of the email.

Regarding feature (b) of claims 1 and 6 relating to the examination of the executable code, the office action relies on the disclosure in paragraph [0061] of Stolfo et al. This paragraph discloses comparing features of the executable attachments with respect to an external model in order to detect a virus. However, at least taking into account the amendments to claims 1 and 6, Stolfo et al.'s comparison with an external model clearly does not meet all of the requirements of feature (b) of claims 1 and 6 for the reasons explained above.

Claims 2-4 depend from claim 1 and claims 7-9 depend from claim 6. These claims patentably distinguish from Stolfo et al. because of these respective dependencies and because of the additional patentable features recited therein.

New claims 11 and 12 have been added. The subject matter of these new claims finds support in the original disclosure and the Examiner is invited to independently confirm that this is the case.

As noted above, claim 11 corresponds to original (allowable) claim 5 written in self-standing independent form and is therefore believed to be allowable.

Claim 12 is directed to a machine programmed to process an email having an executable attachment. The machine is programmed, among other things, to examine an executable attachment and compare the executable attachment with extracted structural

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elements from the email to determine whether the executable attachment contains code, data or encoded data that could have created the extracted structural elements. As explained above in connection with claims 1 and 6, Stolfo et al. does not disclose or suggest such examining or determining. Consequently, claim 12 patentably distinguishes over Stolfo et al.

The pending claims are believed to patentably distinguish from the applied art and favorable office action is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Michael J. Shea
Reg. No. 34,725

MJS:mjs
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100